

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

HEATHER SMITH, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

WHALECO INC. DBA TEMU,

Defendant.

Case No. 5:23-cv-00559-D

CLASS ACTION

JOINT STIPULATION OF DISMISSAL

The Parties (collectively Plaintiff Heather Smith, individually, and Defendant Whaleco Inc. dba TEMU) hereby stipulate, under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), to dismissal of this Action in its entirety, with prejudice and without costs as to Plaintiff Smith, and without prejudice and without costs as to any claims of the putative class. Each party shall be responsible for its respective costs and fees that are due, if any.

Dated: May 28, 2025

Respectfully submitted,

/s/ Kathy R. Neal

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CERTIFICATE OF ELECTRONIC SERVICE AND FILING

I hereby certify that on May 28, 2025, I caused the foregoing instrument to be filed with the Clerk of the Court using the ECF System for filing, with electronic service to be made via CM/ECF to those registered participants of the ECF System.

/s/ Kathy R. Neal

Kathy R. Neal